

REMARKS

Applicants' respectfully request reexamination and reconsideration of the application in view of the following remarks.

Claims 1-15 have been amended, and new claims 16-50 have been added to the application.

The Examiner has provisionally rejected claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 09/815,874.

Enclosed herewith is a Terminal Disclaimer disclaiming any portion of the term of any patent issuing from the instant application past the expiration of any patent issuing from copending application S.N. 09/815,874.

The Examiner has rejected claims 1-15 under 35 USC §103(a) as being unpatentable over Krampe et al. (6,099,682).

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks.

The cited Kampe reference teaches a cold seal package and the method for making same. Although the reference teaches the use of an aqueous polyurethane and release agent there are fundamental

differences in the application of the aqueous polyurethane dispersion in the cited reference and the instant application. The cited reference by Cramp uses polyurethane to function as an adhesive for as utilized by Kampe it provides adhesion to itself or other materials having similar chemical properties (column 9, lines 59-67) and column 10, lines 1-3). The preferred chemical composition taught by Cramp must adhere to itself or some compatible material having similar chemistry for it has a solid content of about 30 percent.

Applicants' instant invention utilizes the aqueous polyurethane dispersion as a film former, or more particularly in at least one preferred embodiment as a foamy film former due to its ability to cure and form a soft/solid film containing numerous cells or bubbles. Contrary to the teachings of Cramp, Applicant does not utilize the aqueous polyurethane dispersion as an adhesive to adhere to itself or other polymers, nor is it desirable to do so. As set forth at column 2, lines 15-25 the Cramp reference teaches a method of forming a permanent bond (referred to as a cold seal bond or cold seal adhesive bond).

Moreover, the cited Cramp reference teaches the use of an actual release coating in order that the already-adhered polyurethane dispersion to leave the transfer substrate and be moved onto the anchor substrate. Applicants' claimed composition does not include a release coating applied to the an adhesive such as latex or a polyurethane, such as described in column 2, lines 35-45 of the Cramp reference, but utilizes a release agent which is mixed together with the polyurethane dispersion in the liquid state prior to application of the peelable coating which functions based on the physical migration to the interface between the coating and the substrate.

As set forth in column 4, lines 47-50, Cramp states a "non-fastenable cold seal" means a seal formed between two substrates, which can be two portions of the same substrate such as different portions of contiguous sheet material, using an adhesive or combination of adhesives that can form a bond at room temperature"... Applicant applies its peelable coating to a single substrate.

Kampe teaches in column 15, lines 4-19, that:

"In preferred embodiments, after application of a substantially natural latex rubber-free contact adhesive to a surface of a substrate from a solution or a dispersion, it is preferable that the substantially natural latex rubber-free contact adhesive be dried (typically, in a conventional drying oven) to prevent penetration of the solvent from the adhesive into the substrate. If a release coat is applied to a surface of the substrate from either a solution or a dispersion, it is also preferable that the release composition be dried to prevent penetration of the solvent from the release coating composition into the substrate. More preferably, the release coating composition is dried prior to applying the substantially natural latex rubber-free contact adhesive. Typically, the coating compositions are applied in such a manner as to provide flat, smooth coatings."

Applicant does not require an oven for drying its peelable coating, nor that the components of the composition be applied in separate coats between drying.

Upon application of Applicant's peelable coating composition upon a substrate, the coating can be peeled from the substrate without leaving a residue. If Applicants' coating is applied to a substrate and a second coating of Applicants' coating is applied to the first coating prior to curing, Applicants' coating will become permanently bonded to one another contrary to the teachings of Cramp which teaches the bonding of dried layers. Layers of Applicants' coating are peelable from one another if allowed to cure between coats, they bond when applied prior to curing, but not afterwards. Therefor Applicants' invention and the cited reference teach away from one another in the method of use and composition of the chemical constituents necessary for the manufacture and use of the respective products for different purposes.

Finally, none of the Cramp examples utilize a polyurethane dispersion as a single film forming polymer as does Applicants' claimed composition. Cramp's examples teach utilizing a composition of 35% or less of a polyurethane dispersion as an adhesive used only in combination with another selected polymer release coating.

The Examiner has rejected claims 12-15 under 35 USC §103(a) as being unpatentable over Maxwell WO 99/10414.

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks. Applicant has canceled claims 12-15 from the instant application without prejudice, not because Applicant is in agreement with the allegations set forth in the Examiner's examination, but because Applicant wishes to pursue issuance of the water soluble embodiment at this time.

The Examiner has also listed several patents made of record and not relied upon which is considered pertinent to Applicant's disclosure. Applicant has reviewed the references and agrees with the Examiner that while pertinent, the references are no more relevant than the cited references.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned '**Version with Markings to Show Changes Made.**'

For all of the foregoing reasons, Applicant submits that the claims are patentable over the cited references and that the application is in condition for allowance. Accordingly, Applicant respectfully requests prompt reconsideration and receipt of the formal Notice of Allowance. A check for the terminal disclaimer fee and fee for addition claims in excess of twenty is enclosed herewith.

If the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate a telephone call at (502) 452-1233 to discuss any such remaining issues.

Respectfully submitted,

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